

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES COZZENS and
I-75 OUTER DRIVE ADULT
BOOK STORE,

Plaintiffs,

vs.

CITY OF LINCOLN PARK,
a Municipal Corporation,

Defendant.

Case No.08-11778

John Corbett O'Meara
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

**ORDER OF CLARIFICATION
OF DECEMBER 16, 2008 ORDER GRANTING, IN PART,
DEFENDANT'S EMERGENCY MOTION TO COMPEL**

On December 16, 2008, defendant filed an emergency motion to compel the depositions of plaintiffs, Anthony Seagraves, and non-party witness, Marion Bednarski. (Dkt. 60). This motion was referred to the undersigned for hearing and determination. (Dkt. 61). Having conducting a telephone conference with counsel for the parties and the interveners, the Court ordered that defendant's motion to compel was granted only as to the depositions of plaintiffs and Mr. Seagraves. *See* Text-Only Order dated 12/16/08. Counsel for interveners and plaintiff contacted the Court this afternoon seeking clarification of whether the Court's December 16,

2008 Order granting defendant's motion included the documents requested in the deposition notices *duces tecum*/subpoenas of plaintiffs and Mr. Seagraves. The Court's December 16, 2008 Order did, and was intended to, grant defendant's motion to compel the depositions of plaintiffs and Mr. Seagraves, including any document requests contained in those notices of deposition/subpoenas.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: December 18, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on December 18, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Ben M. Gonek, Dean Koulouras, Paul T. O'Neill, Bradley J. Shafer, Cindy R. Victor, and David W. Warren, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Jonathan Riches, # 40948018, WILLIAMSBURG FEDERAL CORRECTIONAL INSTITUTION, Post Office Box 340, Salters, SC 29590, Richard A. Sands, FR&S Attorneys General, 13162 Fordline Street, Suite B1, Southgate, MI 48195.

s/James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church Street
Flint, MI 48502
(810) 341-7850
pete_peltier@mied.uscourts.gov